

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

February 5, 2007

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Hartwell, Hentzen, Murabito, Willenberg

Staff Members Present: Deb Legge, Maria Bias, Laura Hernandez, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Board Member Coonrod on Monday, February 5, 2007, at 1:40 p.m. in the Fire Department Conference Room, 11th floor, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes of the January 8, 2007, meeting.

A motion was made by Board Member Willenberg to approve the minutes of the January 8, 2007, meeting as submitted. Board Member Hentzen seconded the motion. The motion carried, unopposed. (Chairman Murabito was not present for this vote.)

2. Approval of the 2006 Annual Report.

A motion was made Board Member Hartwell to approve the 2006 Annual Report as submitted. Board Member Hentzen seconded the motion. The motion was approved.

3. Approval of the January, 2007, license examination application(s) as follows:

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Guy M. Quinn	Roofing & Siding	February 2007
James Gilstrap (off-agenda)	Roofing & Siding	February 2007
Chad L. Hosford (off-agenda)	Swimming Pool	February 2007

Board Member Banuelos made a motion to approve the applications for testing. The motion was seconded by Board Member Hartwell. The motion passed unopposed.

Conducting the meeting at the request of Chairman Murabito, Board Member Coonrod asked that the Board Members and City staff introduce themselves to citizens in attendance.

4. Condemnation Hearings

Review Cases:

1. 2007 East 11th

Jim Torske represented this property.

Although the taxes show as delinquent, the past taxes would have been paid at the tax sale.

The premise conditions are fair. There are remodel materials on the premise; work is in progress. During a site inspection by Ms. Bias, she noted that new windows have been installed, the roofing is completed, and the workers were in the process of installing vinyl siding. Mr. Torske informed the Board that the recent ice and snow had delayed the completion of the siding.

Board Member Coonrod inquired about the time frame for completion of the exterior of the structure. Mr. Torske replied that, providing there was no inclement weather in the meantime, he expected to have the exterior completed within thirty days.

Board Member Hartwell made a motion to allow thirty days for the completion of the exterior of the structure, maintaining the premise in a clean and secure condition in the meantime. If the exterior work were to be completed within the thirty days, there would be no need to reappear before the Board. Chairman Murabito seconded the motion. The motion was approved.

2. 814 West Clark

There was no one attending the hearing as a representative for this property.

This property had been before the Board in August of 2006, September of 2006, November of 2006, and December of 2006. At the December hearing, the Board granted sixty days for the owner to complete the required repairs while keeping the property clean and secure.

Currently there are remodel materials on the premises; the siding has been removed from the rear of the structure, exposing rotted framing members. Most of the structure has been prepped for painting. Ms. Legge told the Board that she had not been contacted by the owner, Timothy Carver, since he last appeared before the Board at the December 4, 2006, hearing.

Board Member Hartwell made a motion to send the property before the City Council with a recommendation of demolition, with ten days to start demolition and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion was unanimously approved.

3. 2612 East 13th

Paul O'Neill attended the hearing on behalf of this property.

Board Member Coonrod asked the Board Members and City Staff to introduce themselves to Mr. O'Neill.

This property was first before the Board on September 11, 2006. At that time, Mr. O'Neill was awaiting the receipt of the deed after purchasing the property at a tax sale. Action on the property was deferred to the November hearing; at the November meeting, action was deferred again until the December hearing. At the December hearing, it was noted that the grass had been mowed, but there were no other changes to the site. Mr. O'Neill had contacted Central Inspection and explained that he had received the deed to the property, but needed an extension of time to make the necessary repairs. The Board approved a motion to allow a sixty-day extension, maintaining the property in a clean and secure condition in the meantime.

Upon the last site inspection by Central Inspection staff, there was still bulky waste and tree debris on the premises; there is also tall grass and weeds on the side and rear of the property. There have been no repairs made to the structure.

Board Member Coonrod asked Mr. O'Neill about his plan for the property. Mr. O'Neill told the Board that he had hired an individual to clean up the premises, and had photos of the site that verified that the debris and trash had been removed and the grass and weeds cut. Mr. O'Neill said he planned to have the rear deck completely removed and the front porch repaired. He anticipated that the exterior repairs could be completed within ninety days, weather permitting.

Board Member Hentzen made a motion to grant an extension until the regularly scheduled May hearing for the exterior repairs to be completed, maintaining the site in a clean and secure condition in the meantime. Board Member Willenberg seconded the motion. The motion carried.

4. 2843 East Stadium

Keith Mason was present as a representative for this property.

Board Member Coonrod asked the Board Members and City Staff to introduce themselves to Mr. Mason.

Recently purchased by Mr. Mason, this property was first before the Board at the September 11, 2007, hearing. At that time, the owner was awaiting the deed for the property after purchasing it at a tax sale. That owner then sold the property to Mr. Mason.

Several bags of trash have been placed at the curb; two new doors have been installed; so far, no other repairs have been made. A windowpane on the north side of the house is missing. "No Trespassing" signs and "Private Property" signs have been posted on the property.

Board Member Coonrod inquired about Mr. Mason's plans for the property.

Mr. Mason said that he had already installed several light fixtures and repaired some of the sheetrock on the interior. Additionally, Mr. Mason told the Board that he had done general clean up of the premise. Within the next two to four weeks, Mr. Mason anticipated having the dwelling habitable.

Board Member Coonrod asked how long Mr. Mason expected it would be before the exterior repairs of the property were completed. Mr. Mason asked what repairs the Board would require to be finished in order to remove it from the condemnation list.

Ms. Legge noted that the violations included a shifting block foundation; cracked brick siding; deteriorated composition roof; and rotted wood fascia. She added that the items would have to be in compliance prior to the structure being occupied.

Board Member Hentzen made a motion to allow thirty days for the necessary repairs to be made to the exterior, maintaining the property in a clean and secure condition in the meantime, or reappear before the Board. Board Member Willenberg seconded the motion. The motion carried unanimously.

5. 1149 North Market

There was no representative for this property in attendance.

The property was first presented to the Board at the November 6, 2006, hearing. At that time, William Graham was present to represent the property on behalf of his deceased wife, who was an heir to the property. Additionally, a representative from the Historic Midtown Citizens Association addressed the Board at the December 2006 meeting to explain the HMCA's interest in rehabilitating the property.

Since that time, staff from Central Inspection has met with Council Member Sharon Feary, representatives from HMCA, and City of Wichita Law Department staff to determine if there was a way to assist the HMCA to acquire the property. No additional information on the progress of the venture had been provided at the time of the Board hearing.

Board Member Coonrod made a motion to table any action on this property for thirty days, pending the outcome of the efforts of HMCA to acquire the property. Board Member Hentzen seconded the motion. The motion was approved.

6. 522 North Chautauqua

The owner, Ivan Wells, was unable to attend the meeting due to health issues, but represented this property by letter.

The foundation repairs have been made by a contractor and has been inspected and approved by Central Inspection. Mr. Wells has also contracted to have the exterior painted and the screens installed on the windows; the work will proceed later in the week, weather permitting.

Board Member Banuelos made a motion to allow sixty days to complete the exterior work, keeping the premises secure and clean in the interim. Board Member Willenberg seconded the motion. The motion was approved without opposition.

7. 2305 North Waco

There was no one attending the hearing on behalf of this property.

This property was first before the Board on January 8, 2007. The owner of the property, Gilbert Moreno, was out of state and represented the property by letter. Since the January hearing, Mr. Moreno has not made contact with Central Inspection. Although the premise condition is good and the structure is secure, no repairs have been made.

Board Member Hentzen made a motion to allow thirty days for the owner to provide a schedule for the required repairs, maintaining the premise in a clean and secure condition in the meantime, or the property would be referred to the City Council for condemnation, ten days to start demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion was passed.

8. 1021 North Spruce

There was no representative in attendance on behalf of this property.

This property was before the Board at the January 8, 2007, meeting. At that hearing, the owner of the property, Tonia Fitzpatrick, cited her ongoing medical issues and subsequent inability to work for a long period of time as the major reason for not having the property rehabilitated. The Board granted an additional thirty days for Ms. Fitzpatrick to formulate a plan and determine a schedule for completing the exterior repairs, and requested that she report back to the Board at the February 2007 hearing with an update.

Board Member Willenberg motioned to send the property before the City Council with a recommendation of condemnation, ten days to begin demolition and ten

days to complete demolition. Chairman Murabito seconded the motion. The motion carried unanimously.

9. 2602 East 27th

This structure was demolished by the owner prior to the February 5, 2007, hearing.

10. 818 South Emporia

Javier Galindo was present as the representative for this property.

Board Member Coonrod asked the Board Members and City Staff to introduce themselves to Mr. Galindo.

Board Member Coonrod asked if Mr. Galindo was comfortable proceeding with the hearing for his property, or if he would prefer to wait for an interpreter. Mr. Galindo responded that he would like to proceed, but that he would like someone to be available to interpret for him if needed. Board Member Banuelos indicated that he would provide assistance if needed until Ms. Hernandez arrived to translate.

This property was originally presented to the Board on the January 8, 2007, hearing. At that hearing, Mr. Galindo explained that his contract buyer had defaulted on the contract to purchase the property, and the property had reverted to him. The Board approved a motion, which granted Mr. Galindo thirty days to determine a plan of action while maintaining the property in a clean and secure condition; and then reappear before the Board to explain his intentions for this site.

There is currently a dumpster on site, and during an investigation by Central Inspection staff, the owner was cleaning up the premises. The structure was in the process of being boarded up; however, vandals have broken into it since that was done. Mr. Galindo plans to board up the structure again. No repairs have been made. The 2006 taxes are delinquent.

Board Member Coonrod inquired about Mr. Galindo's plan of action for the property. Mr. Galindo told the Board that he intended to make the necessary repairs to the exterior of the building. Inclement weather had been a problem in proceeding with some of the exterior work. Board Member Coonrod asked how long Mr. Galindo would need in order to make the necessary repairs. With Board Member Banuelos translating, Mr. Galindo responded that it would take him approximately sixty days. Mr. Galindo also noted that he had a receipt showing that he had paid the taxes for 2006.

A motion was made by Board Member Hartwell to allow sixty days to bring the exterior of the structure into code compliance, keeping the taxes current, and maintaining the site in a secure and clean condition in the meantime. Board Member Banuelos seconded the motion. The motion was approved unanimously.

(Board Member Banuelos reiterated the Board's discussion and subsequent motion and vote for Mr. Galindo.)

11. 1602 North Kansas – garage

There was no representative present for the property.

This is a one-story frame building approximately 12 X 18 feet in size; it has a badly deteriorated wood roof; there are rotted and missing shingles; there is exposed and rotted roof sheathing; the wood lap siding is rotted and deteriorating; the overhead door is damaged; and there is rotted wood trim.

Board Member Willenberg made a motion to refer the property to the City Council with a recommendation of demolition, ten days to start demolition and ten days to complete demolition. Board Member Hartwell seconded the motion. The motion was unanimously approved.

12. 1612 North Kansas

There was no one present at the hearing to represent this property.

This one-story masonry dwelling is about 30 X 48 feet in size. It is vacant and open; it has a deteriorating composition roof; there are exposed roof rafters; the attached carport is collapsing; there are missing windows; there is also rotted wood trim; and the 10 X 15 foot accessory shed is dilapidated.

The active file was initiated on this property on May 5, 2005. There have been several notices issued, but there has been no change to the condition of the property.

Chairman Murabito made a motion to send the property before the City Council with a recommendation of demolition, ten days to start demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion carried.

13. 1746 North Kansas

Addison DeAllie represented this property.

Board Member Coonrod asked the Board Members and City Staff to introduce themselves to Mr. DeAllie.

This one-story masonry dwelling is approximately 25 X 30 in size; it has been vacant for at least a year. It has a deteriorated composition roof; the soffit and fascia is also deteriorated; there are missing windows; the interior has sustained damage from a fire.

The file was started on this property on November 10, 2005, with a Notice of Improvement and a notice to secure the property. In response to the notices, the building was secured and a building permit was obtained. On April 26, 2006, a violation notice was issued because there had been no work done since January of 2006. A recheck inspection on May 26, 2006, revealed that the building permit had expired. A Pre-condemnation letter was issued on November 27, 2006.

The 2006 taxes are due in the amount of \$44.96. There is a pile of brush, debris and trash on the premises; the structure is currently secure.

Board Member Coonrod asked Mr. DeAllie what his plans and schedule were for the repair of the property.

Mr. DeAllie explained that he intended to repair the structure. Most of the furring strips for the siding are on the structure. Although the windows are purchased, he said that he was concerned about vandalism if the windows should be replaced at the present time. Mr. DeAllie asked if he would be permitted to board the windows once they have been replaced in order to prevent vandals from breaking the new windows. Ms. Legge told Mr. DeAllie that temporarily boarding the windows while the structure is undergoing repairs would be permissible.

Chairman Murabito made a motion that the Board allow ninety days to finish the exterior repairs, keeping the structure secure and the premise clean in the interim. Board Member Hentzen seconded the motion. The motion carried without opposition.

14. 1702 North Piatt

This structure was demolished by the owner prior to the February 5, 2007, hearing.

15. 1547 North Estelle

There was no one attending the hearing as a representative for this property.

Vacant and open, this one and one-half story frame dwelling is about 40 X 32 feet in size. This structure has a cracking concrete block foundation; there are missing sections in the deteriorated metal siding; the composition roof is deteriorated and sagging; the wood trim is rotted.

This case was started in 1995 when the property was occupied. There have been numerous notices issued to which there have been no response.

Board Member Willenberg made a motion to refer the property to the City Council, recommending condemnation, with ten days to initiate demolition and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion carried, unopposed.

16.1502 East 16th

There was no representative in attendance for this property.

This one story frame dwelling measures approximately 24 X 34 feet in size. The structure is vacant and open. There are broken and missing siding shingles; the composition roof is deteriorated; there are broken and missing windows; there is rotted wood trim.

On September 27, 2005, the active file was started on this property with a Notice of Improvement and a Notice of Violation to secure; the structure was then secured by the owner. On March 6, 2006, a Notice of Violation was issued to the owner, but was returned, unclaimed.

Chairman Murabito made a motion to send the property before the City Council, recommending demolition, with ten days to start the demolition and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion was approved.

17.2502-04 East 20th and

18.2508 East 20th

No representative attended the hearing on behalf of these properties.

This is a one-story frame duplex, 24 X 34 feet in size. It has been vacant for at least five years. The concrete block foundation is shifting; the wood lap siding is rotted and deteriorated, and missing in some areas; the composition roof is badly deteriorated; there is rotted wood trim.

Board Member Willenberg made a motion to recommend demolition of the property to the City Council, with ten days to begin demolition and ten days to complete the demolition. Board Member Hartwell seconded the motion. The motion was approved.

19.2635 East Stadium

There was no representative for this property at the hearing.

This one story frame dwelling is about 26 X 42 feet in size. The dwelling has been vacant for at least two years. The structure has a shifting concrete block foundation; it has deteriorated, rotted and missing wood lap siding; there are exposed framing members; the composition roof is deteriorating; the porches are deteriorated; there is rotted wood trim.

Occupied at the time that the active file was started in October of 2002, the tenants were evicted in December of 2002. There was no response to the Notices of Violation issued to the owner. On September 13, 2005, a violation notice was issued to the new owner and received no response.

Board Member Willenberg made a motion to refer the property to the City Council for demolition action, ten days to start demolition and ten days to complete demolition. Board Member Hartwell seconded the motion. The motion carried without opposition.

20. 1401 North Battin

There was no representative present on behalf of this property.

This frame dwelling is one story, approximately 24 X 36 feet, and is vacant and open. The structure has extensive fire damage to the composition roof; there is fire damaged and missing wood lap siding; the wood trim has been fire damaged; and the 12 X 20 foot accessory garage and attached carport are dilapidated.

There was no response to the Notice of Violation or the Pre-condemnation letter that were issued.

Chairman Murabito made a motion to send the property to the City Council, recommending demolition, with ten days to begin demolition and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion passed.

21. 2137 South Emporia

Approximately 26 X 42 feet in size, this one story frame dwelling has been vacant for at least three years. The structure has missing vinyl siding over broken asbestos siding shingles; there are exposed framing members; the rear porch is deteriorated; the wood trim is deteriorated; the attached carport and the 10 X 10 accessory shed is deteriorated.

Board Member Willenberg made a motion to refer the property to the City Council with a recommendation of demolition, ten days to start demolition and ten days to complete demolition. Board Member Hentzen seconded the motion. The motion was approved.

22. 1726 South Millwood

Appearing as representatives for this property, Sue Tackett and Jeffrey Tackett attended the hearing.

Board Member Coonrod asked the Board Members and City Staff to introduce themselves to Ms. and Mr. Tackett.

This one-story frame dwelling is about 27 X 43 feet in size. It has been vacant for about six months. The structure has a cracking block foundation; there are broken and missing asbestos siding shingles; the composition roof is badly deteriorated and has holes; it has rotted rafter tails and rotted wood trim; and the 6 X 15 foot accessory shed is dilapidated.

The active file was initiated on September of 2000 and several notices have been issued. The structure was owner occupied until approximately six months ago; during a site inspection by Central Inspection staff, the owner expressed his plan to sell the property. A Pre-condemnation letter was issued on October 9, 2006. The taxes for 2005 and 2006 are delinquent in the amount of \$534.99. There is trash and debris and a pile of wood on the premises. Although no repairs have been made, the structure is secure.

Board Member Coonrod requested that Ms. and Mr. Tackett apprise the Board of their plan for the property.

Mr. Tackett agreed that the structures should be razed; he said that he had tried to sell the property and even donate it to an organization but was unsuccessful. Ms. Tackett asked if she and her son would be allowed to demolish the structure. Ms. Legge replied that the owner of a single family dwelling was allowed to wreck their own structure, provided they follow the required procedures of having the gas service cut and plugged; the sewer sealed off by a licensed drain layer; the electrical service disconnected by the electric utility; and a permit issued for the demolition.

Board Member Coonrod asked how much time Mr. Tackett thought he might need to raze the structure. Mr. Tackett responded that he could comply within thirty days if weather conditions did not interrupt the work.

Board Member Willenberg made a motion to allow sixty days to obtain the required permits and demolish the building, keeping the site as clean and secure as possible. Board Member Hartwell seconded the motion. The motion was unanimously approved.

With no other business to conduct, Board Member Willenberg made a motion to adjourn the meeting. Board Member Hartwell seconded the motion. The motion passed.

The meeting was adjourned at 2:40 p.m.